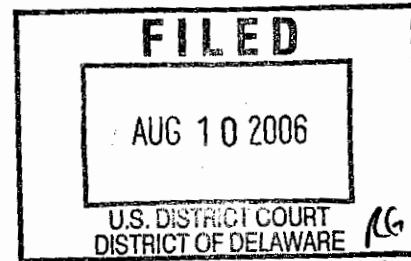


AFFIDAVIT AND PROOF OF SERVICE

NOW COMES , SAMUEL T. POOLE AND AFIRMS THAT HE IS THE LITIGANT IN THE AFORE CAPTIONED AND ATTACHED MATTER, THAT THE WITHIN AVERMENTS AND FACTS IN SUPPORT THEREFORE ARE TRUE AND CORRECT TO THE BEST OF HIS PERSONAL EXPERIENCE, RECALL, KNOWLEDGE AND BELIEF, UNDER PENALTY FOR PERJURY. HE FURTHER AFFIRM AND AVERS THATHE HAS SERVED COPIES OF THE FOREGOING AND ATTACHED DOCUMENTS BY FIRST CLASS MAIL TO THE PARTIES LISTED BELOW, BY HAVING PLACED THEM IN THE HANDS OF PRISON AUTHORITIES FOR MAILING, AS RULED PROPERLY AND TIMELY "FILED" BY AND IN HOUSTON V. LACK, 108 S.ct 2379, at 2383 (1988)



i certify that document was given to prison officials, for the forwarding to the said court, I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. SEC. 1746.

BY AFFIANT

C.C. Marc P. Niedzielski

SUBSCRIBED AND SWORN TO ME

THIS 8 DAY OF August, ~~2006~~ 2006

Motion to order

Pre trial Conference

Reply to the Defendant's Petition